



JOHANNESBURG BAR LIBRARY
1st FLOOR, THE CHAMBERS
3 PROTEA PLACE
SANDOWN 2196

PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

Provincial Gazette Igazethi Yephondo Provinsiale Koerant

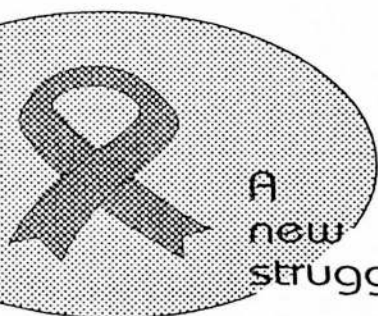
Selling price: **R1,50**
Other countries: **R1,95**

BISHO/
KING WILLIAM'S TOWN, 15 FEBRUARY 2006

No. 1487
(Extraordinary)

All have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH



9771682455006



01487

CONTENTS • INHOUD

No.	Page No.	Gazette No.
PROVINCIAL NOTICE		
6 Local Government: Municipal Structures Act (117/1998): Amendment and repeal of Provincial Notice No. 109	3	1487

**THE GOVERNMENT PRINTING WORKS****PUBLICATIONS DIVISION**

NB: The Publications Division of the Government Printing Works will be relocating to its new premises within the:

**MASADA BUILDING at 196 PROES STREET, PRETORIA
(i.e. CORNER OF PAUL KRUGER AND PROES STREETS)**
with effect from **3 May 2005**.

For enquiries and information:

Mr M Z Montjane
Tel: (012) 334-4653
Cell: 083 640 6121

PROVINCIAL NOTICE

No. 6

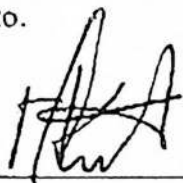
15 February 2006

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

AMENDMENT AND REPEAL OF PROVINCIAL NOTICE NO. 109 DATED 02 DECEMBER 2000, AS AMENDED, ISSUED IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, (ACT NO. 117 OF 1998)

I, **SAM KWELITA**, Member of the Executive Council of the Province of Eastern Cape responsible for local government, hereby publish a Provincial Notice in terms of section 12 and 17 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), for the establishment of municipalities within the province as reflected in the new boundary demarcations published under Notice No. 1496 of 2005 (Government Gazette No.28273 dated 28 November 2005) read with Provincial Notice No. 399 of 2005 (Provincial Gazette No. 1468-Extraordinary dated 27 December 2005) and as set out in the schedule attached hereto.



S. KWELITA

**MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL
GOVERNMENT - PROVINCE OF THE EASTERN CAPE**

DATE: 01/02/06

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, or Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000 has the same meaning and -

"Constitution" means the Constitution of the Republic of South Africa;

"demarcation notice" means Provincial Notice 101 of 2000 published in *Provincial Gazette* No. 558 dated 19 May 2000, as amended;

"disestablished municipality" means an existing municipality disestablished in terms of paragraph 2 of Part 1 of this Schedule;

"district municipal area" means the area indicated as DC 44 on Map 1 of the demarcation notice;

"district municipality" means the Category C municipality established in terms of Part 2 of this Schedule;

"effective date" means -

- (a) the day on which the results of the first general election of municipal councils after the commencement of the Constitution Twelfth Amendment Act, 2005, are declared in respect of the local municipalities; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

"local municipality" means the Category B municipalities established in terms of Part 3 and 4 of this Schedule;

"MEC" means the Member of the Executive Council responsible for local government affairs in the Province of the Eastern Cape;

"new municipality" means Alfred Nzo District Municipality, Umzimvubu Local Municipality and the Matatiele Local Municipality as they are established in terms of Parts 2 to 4 of this Schedule;

"proportionally elected councillors" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"the Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“ward councillor” means a councillor elected to directly represent a ward.

Repeal of existing Section 12 Notice No. 109 of 02 December 2000

2. Provincial Notice No.109 of 2000 is repealed.

Establishment of municipalities

3. (1) Municipalities are hereby established for the district municipal area as set out in Parts 2 to 4 of this Schedule. The established municipalities are as follows:
- (a) Alfred Nzo District Municipality established by Part 2 of this schedule;
 - (b) Matatiele Local Municipality established by Part 3 of this schedule and
 - (c) Umzimvubu Local Municipality established by Part 4 of this schedule.
- (2) The establishment of the municipalities mentioned in sub-item (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the elections referred to in paragraph (a) of the definition of “effective date”.

Legal succession

4. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, rights, liabilities and obligations

5. (1) The assets, rights, liabilities and obligations of an existing municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) of the Act, transferred to that new municipality which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-item (1), “function” includes a power.
- (3) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-item (1) vest, as from the effective date, in the municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said sub-paragraph.
- (4) A new municipality shall, in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.

Investments, cash and cash balances

6. As from the effective date all investments and all cash and cash balances in a bank account of an existing municipality accrue to a new municipality established in terms of paragraph 3(1) in accordance with the following rules:
- (a) the investments, cash and cash balances of the existing district municipality referred to in paragraph 3(1)(a), accrue to the new district municipality: Provided that where the area of the existing municipality falls in more than one newly established district municipal area, the portions of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipalities concerned;
 - (b) the investments, cash and cash balances of an existing local municipality referred to in paragraph 3(1)(b) and (c) accrue to the new local municipality in whose area the existing municipality falls: Provided that where the area of the existing local municipality falls in more than one newly established local municipality the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned;
 - (c) notwithstanding the afore-going, all cash and cash balances constituting funded reserves underpinning obligations or liabilities of an existing municipality shall accrue to the new municipality which has assumed that liability, or in proportion to the extent to which such liability has been assumed.

Transfer of staff

7. (1) A person who on the effective date is an employee of an existing municipality becomes an employee of a new municipality in accordance with the following rules:
- (a) employees who are for most of their normal working day occupied with work directly related or incidental to the performance of a specific function allocated in terms of section 84 of the Act to a new municipality or the performance of a specific function in a specific area, become employees of the new municipality which as from the effective date is responsible for the performance of that specific function or for the performance of that specific function in that specific area;
 - (b) employees not mentioned in paragraph (a) become employees of the new municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located;
 - (c) for the purposes of paragraph (a) "function" include a power;
 - (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
 - (e) an employee referred to in paragraph (a) or (b) above is transferred to the new municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date;

- (f) service by a person so transferred is deemed to be in the service; as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with an existing municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;
- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate TFC referred to in paragraph 11 of this part
- (i) a new municipality shall, pending the review referred to in sub-paragraph (h) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date;
- (j) the council of the employer municipality must appoint a person who became an employee of the municipality concerned in terms of sub-item (1), in a post on the establishment of the municipality, provided that such a person remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately prior to becoming such an employee, but subject further to any amendments concluded locally or in the applicable bargaining council. All funded vacancies existing on the staff establishments of disestablished municipalities shall become vacancies within the staff establishment of the municipality responsible for the function to which such vacancy relates, *mutatis mutandis* in accordance with the rules contained herein;
- (k) a municipality to which an employee is transferred in terms of the rules contained in sub-item (1) may, by agreement with another municipality within the province transfer the employee, with that employee's consent to that other municipality;
- (l) nothing contained herein shall preclude a Municipality from implementing a scheme to reorganise its staff subject to the provisions of the Labour Relations Act.

Administrative units

8. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Part forms an administrative unit that functions as such in

terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalisation process contemplated in paragraph 11 of this Part.

- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the municipal manager or acting municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative entity.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the Chief Executive Officer in respect of the activities of the administrative unit.

Continued application of by-laws and resolutions

9. (1) All by-laws, regulations and resolutions that apply in the area of an existing municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) A by-law or resolution of –
 - (a) any existing district municipality, must be applied by the district municipality to the extent to which that by-law or resolution continues in force in terms of sub-item (1) in the area of the district municipality; and
 - (b) any other existing municipality must be applied by a local municipality to the extent to which that by-law or resolution continues in force in terms of sub-item (1) in the area of that local municipality.
- (3) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law, regulation or resolution to –
 - (a) an existing municipality, must be construed as a reference to the new municipality; and
 - (c) a structure or functionary of an existing municipality, must be construed as a reference to the corresponding structure or functionary in the municipality.

Seat of municipality

10. The seat of an existing municipality is deemed to be the seat of the new municipality until a new municipality changes such seat.

Transitional Facilitation Committee

11. (1) (a) A Transitional Facilitation Committee (TFC) is hereby established for the district municipality area;

- (b) The establishment of the TFC shall take effect no later than fourteen days (14) days after the effective date.
 - (c) A TFC consists of five (5) councilors designated by each of the new municipalities within the district municipal area, which should also include infrastructure, corporate services, finance and governance.
 - (d) The TFC must be assisted by the Technical Task Team consisting of the Municipal Managers from the affected municipalities and the officials from the department.
- (2) The functions of the TFC shall, subject to and for the purposes of section 14 and 84 of the Act, be to recommend to the relevant authority;
- (a) on the temporal adjustment of the division of powers and functions between district and local municipalities;
 - (b) which of the assets, rights, liabilities and obligations that have been transferred from the disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to paragraph 7(e) of this part, the implication of a process of re-organizing the employees transferred to each new municipality;
 - (d) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalization, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
 - (e) the legal, practical and other consequences of this partial disestablishment and establishment of the existing municipalities and also including vacation of office by councilors and implications thereof.
- (3)
- (a) The councilor designated by the new district municipality is the chairperson of the TFC;
 - (b) the chairperson of the TFC decides when and where the TFC meets, but a majority of members may request the chairperson in writing to convene a meeting of the TFC at a time and place set out in the request;
 - (c) the chairperson presides at meetings of the TFC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The TFC may determine its own procedures, subject to the following:



01050000

- (a) A question before the TFC is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
- (a) Where the TFC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules, governing such mediation and the list of approved mediators shall be as agreed upon by the TFC within fifteen (15) days of the expiry of the afore mentioned period of sixty (60) days;
 - (b) the Mayor as elected by the new district municipality shall be deemed to be responsible for the appointment of the mediator;
 - (c) where the TFC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the afore mentioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to the arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the TFC on the matter.
- (6) Any expense incurred by the TFC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the TFC.

Intervention powers of the MEC

- 12.
- (1) The MEC for local government may at any time intervene in the proceedings of the TFC referred to in clause 11 and request the committee to refer a matter before the committee to the MEC for resolution.
 - (2) The MEC for local government may reconsider a matter on which the Committee has taken a decision and confirm, vary or withdraw the decision of the Committee.
 - (3) The district municipality and the local municipalities, including affected employees, are bound by the decisions of the MEC.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. A district municipality is hereby established for the district municipal area as a whole and indicated as DC 44 on Map 11 in the General Notice 1496 of 2005 as published in the

Government Gazette No. 28273 dated 28 November 2005 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The district municipality is of a type described in section 4(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the district municipality are as indicated in General Notice No. 1496 published in the Government Gazette No. 28273 dated 28 November 2005 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the district municipality is Alfred Nzo.

COUNCILLORS

6. (1) The council of the district municipality consists of 25 councillors, of which -
- (a) 10 must be proportionally elected councillors;
 - (b) 8 must be appointed by the local municipality mentioned in Part 3;
 - (c) 7 must be appointed by the local municipality mentioned in Part 4.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following -
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

01050000

FULL TIME COUNCILLORS

7. The council of the district municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) Executive Mayor
 - (c) Members of the Mayoral Committee.

SEAT OF MUNICIPALITY

8. The seat of the existing municipality is deemed to be the seat of the new municipality until new municipality changes such seat.

MUNICIPAL MANAGER

9. The existing municipal manager is designated in terms of section 29 (2) of the Act to call the first meeting of the Council of the municipality.

STANDING RULES FOR THE FIRST MEETING

10. The standing rules and orders for the first meeting shall be developed and promulgated as by-laws for the new municipality as follows:

RULES FOR THE FIRST MEETING OF MUNICIPAL COUNCIL

Notice convening first meeting

1. (1) The municipal manager must, within 3 days after the council has been declared elected, inform the elected councillors in writing of the venue, date, and time of the first meeting of the council.
- (2) The first meeting of the council must take place at the seat of the municipality within 14 days after the council has been declared elected, or if it is a district council; within a period that will not exceed twenty one (21) days, after all the members to be appointed by local councils, have been appointed.

Convening notice read and oath or affirmation

2. (1) At the commencement of proceedings of the council at the first meeting after it has been convened in terms of section 29 of the Municipal Structures Act, the municipal manager must read the notice convening the council.
- (2) After the notice convening the council has been read, the councillors must swear or affirm faithfulness to the Republic and obedience to the Constitution.

Election of Speaker

3. (1) At its first meeting after its election the council must elect its speaker from among its councillors.

- (2) The municipal manager presides over the election of the speaker.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the speaker.
- (4) The Speaker of a council of a municipality of the type mentioned in sections 9(e) or (f) or 10(c) of the Municipal Structures Act must be called the mayor.
- (5) The elected speaker presides over the remainder of the first meeting of the council and may express a sense of honour conferred upon him or her.

Establishment of Executive Committee

4. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(a) – (d), 9(a) – (b) and 10(a) which chooses to establish an executive committee, must establish an executive committee by way of motion.
- (2) The motion, which may be moved without notice must –
 - (a) state the number of councillors to serve on the executive committee in accordance with of section 43(1) of the Municipal Structures Act;
 - (b) state the number of councillors of each party and interest represented in the council to proportionally represent such party or interest in accordance with section 43(2) of the Municipal Structures Act.

Election of Executive Committee

5. (1) At its first meeting after its election, the council which has established an executive committee in terms of Rule 4, must elect the members of its executive committee from among its members.
- (2) When the executive committee is elected, the council elect a member of the executive committee as its mayor.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive committee and the mayor.

Choice to have an Executive Mayor

6. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(e) – (g), 9(c) – (d) and 10(b) which chooses to have an executive mayor, must adopt a motion to that effect.
- (2) The motion may be moved without notice.

Election of Executive Mayor

7. (1) At its first meeting after its election, the council which has chosen to have an executive mayor in terms of Rule 6, must elect an executive mayor.
- (2) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive mayor.

Quorums and decisions

8. The quorums and determinations required by section 30 of the Municipal Structures Act apply to the first meeting of the council.

Procedure for matters not dealt with in these Rules.

9. The Standard by-law relating to the procedure and maintenance of order at meetings, published as Provincial Notice 411/1988 and published in the *Provincial Gazette* No 4532 of 20 May 1988, subject to the provisions of the Municipal Structures Act, applies to any procedural matter not provided for in these rules.

PART 3**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 05b3 on Map 9 in the General Notice 1496 of 2005 as published in the Government Gazette No. 28273 dated 28 November 2005 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated in Map No.9 in General Notice No. 1496 published in the Government Gazette No. 28273 dated 28 November 2005 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Matatiele

COUNCILLORS

6. (1) The council of the local municipality consists of 48 councillors of which 24 are proportionally elected councillors and 24 are ward councilors, subject to review as a result of possible changes to the municipal boundaries.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (c) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in item 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker.
 - (b) Mayor
 - (c) Members of the Executive Committee.

WARDS

8. The local municipality has 24 wards with boundaries as determined in Provincial Notice 399 of 2005 published in the Provincial Gazette No. 1468 (Extraordinary) dated 27 December 2005 and/or any subsequent amendment by the Demarcation Board;

SEAT OF FIRST MEETING

9. The seat of the existing municipality is deemed to be the seat of the new municipality until new municipality changes such seat.

MUNICIPAL MANAGER

10. The existing municipal manager is designated in terms of section 29 (2) of the Act to call the first meeting of the Council of the municipality.

STANDING RULES FOR FIRST MEETING

11. Standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule.

PART 4**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 05b2 on Map 10 in the General Notice 1257 of 2005 as published in the Government Gazette No. 28273 dated 28 November 2005 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000 (EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated in Map No.10 in General Notice No. 1496 published in the Government Gazette No. 28273 dated 28 November 2005 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Umzimvubu.

COUNCILLORS

6. (1) The council of the local municipality to consist of 47 councillors of which 23 are proportionally elected councillors and 24 are ward councilors, subject to review as a result of possible changes to the municipal boundaries.

- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in item 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) Mayor and
 - (b) Members of the Executive Committee.

WARDS

9. The local municipality has 24 wards with boundaries as determined in Provincial Notice 399 of 2005 published in the Provincial Gazette No. 1468 (Extraordinary) dated 27 December 2005 and/or any subsequent amendment by the Demarcation Board;

SEAT OF FIRST MEETING

10. The seat of the existing municipality is deemed to be the seat of the new municipality until new municipality changes such seat.

MUNICIPAL MANAGER

10. The existing municipal manager is designated in terms of section 29 (2) of the Act to call the first meeting of the Council of the municipality.

STANDING RULES FOR FIRST MEETING

11. Standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule.